



Q. Steam Vessels / 52.
File No.

Legal Deptt.

A BRANCH

p 4 (E)

Subject:— Opinions under the Indian
Steam Vessels Act, 1917.

File No. Q. Steam Vessels / 52.

Gen. 194 e.

729-A

C O N T E N T S.

Legal Department File No. 0. Steam Vessels/52

Sr. No.	R.I./	O.No.	Subject	Pages
			Opinions the under the Indian Steam vessels Act 1917.	
1.		7330/9-5-52	whether the evidence there is in each case, independently of the letters written by the Company to prove that the Ship carried excess number of passengers.	1
2.		16425/A 7-10-52	Whether the Master of the relevant vessels should be prosecuted under section 58 of the Indian Steam Vessels Act, 1917.	3-5

M.R.D.
20-6-56
6.6

Office of the R.L.A.

The public Works Department is requested to state what evidence there is in each case, independently of the letters written by the Company, to prove that the Ship carried excess number of passengers. Details may also be given on the following points:-

- 1) The number of passengers the vessel was licensed to carry. A copy of the survey certificate may be sent.
- 2) The number which the vessel is alleged to have actually carried.
- 3) The contents of the letters written by the Principal Officer, Mercantile Marine Department, Bombay to the three companies. Copies of those letters may be sent.

Sd/-
8-5

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 7330 dated the 9th May 1952.

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20-6-56
C.4

Office of the R.L.A.

Three cases were referred to the R.L.A. for opinion whether the Master of the relevant vessels should be prosecuted under section 58 of the Indian Steam Vessels Act, 1917 for carrying excess number of passengers. The excess is alleged to be as under:-

	Licensed to carry	Excess carried.
Jalrani	51	8
Ajmeri	75	19½
Pravin	75	25.

The question relating to Jalrani now does not arise for decision because the master was prosecuted and has been convicted and fined.

As regards the other two vessels, the only evidence in the case of Ajmeri appears to be the admission in the letter of the Company that it carried excess number of passengers. That admission does not state what was the excess and that admission is conditional because it states that these passengers for both Ajmeri and Bagdadi got mixed up as both the vessels were lying side by side and they would not separate and therefore Bagdadi had to carry less than its quota. The only evidence in respect of Pravin was a panchnama alleged to have been made. That panchnama has not been sent and it would appear from the papers that it is not signed by any panchas who witnessed the excess. Because of this the R.L.A. by his No. 7330, dated 9th May 1952 asked the Public Works Department to state what evidence there is independently of the letters written by the company to prove that the ship carried excess number of passengers. That query has not been answered. The Principal Officer, Mercantile Marine Department, has not been able to indicate the independent evidence and has stated that no further action is now proposed as the licenses were suspended

temporarily by way of punishment. In these circumstances, and as the companies concerned appear to have been adequately punished by temporary suspension of their licences, no further action is now called for.

Sd/-
6-16

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 16426/A, dated the 7th October 1952.

M.R.D.
20-6-56
C.4